

IN RE: PETITION FOR ADMIN. VARIANCE
SE/S Stevenson Lane, 2400' S
of Hillen Road
(1104 Stevenson Lane)
9th Election District
4th Councilmanic District
G. Terry Minton, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, G. Terry Minton and his wife, Sandra B. Minton. The Petitioners request relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of May, 1993 that the Petition for Administrative Variance requesting relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LES:bjs

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

May 25, 1993

(410) 887-4386

Mr. & Mrs. G. Terry Minton
1104 Stevenson Lane
Baltimore, Maryland 21286

RE: PETITION FOR ADMINISTRATIVE VARIANCE
SE/S Stevenson Lane, 2400' S of Hillen Road
(1104 Stevenson Lane)
9th Election District - 4th Councilmanic District
G. Terry Minton, et ux - Petitioners
Case No. 93-352-A

Dear Mr. & Mrs. Minton:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

cc: Mr. Larry R. Felts
13203 Patuxent Road, Baltimore, Md. 21220

People's Counsel

File

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1104 Stevenson Lane, 2400' S
which is presently zoned DE 5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to be located in the side yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

see hardship and practical difficulty as outlined in affidavit

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

(We do solemnly swear and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s):

G. Terry Minton

Sandra B. Minton

Address: 1104 Stevenson Lane, Baltimore, MD 21286

City: Baltimore, State: MD, Zipcode: 21286

City: Baltimore, State: MD, Zipcode: 21286

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Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) hereunto consent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 1104 Stevenson Lane, Baltimore, MD 21286.

That based upon personal knowledge, the following are the facts upon which I/we have the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

See attached statement of the facts necessitating placement of pool to side of house.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

G. Terry Minton, et ux

Sandra B. Minton

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20th day of March, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

G. Terry Minton and Sandra B. Minton

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of their knowledge and belief.

AS WITNESSED my hand and Notarial Seal.

30th/93

Nancy L. Shurt

My Commission Expires: March, 1995

MINTON
1104 Stevenson Lane
Petition for Administrative Variance 93-352-A

Present layout of buildings and landscaping creates an undue hardship/practical difficulty in the placement of a pool behind existing house.

1. House sits back from road so that available open property behind house is limited; there is considerable open property to the south side of the house, as well as to the front. Proposed pool could not be readily accommodated in back of house, if at all.

2. Placement of pool directly behind house would require removal of several old and very large, "protected" trees (Black Walnut and ancient evergreen trees). In addition, numerous large shrubs (mature boxwoods, etc.) would have to be removed. Removal would be necessitated because of space, tree roots and limb overhang.

3. If pool were to be installed without tree removal, existing trees and storage facility would block sun and thus limit use of pool.

4. A large storage facility (garage/boathouse) is located to side and behind house. Placement of pool directly behind house would cut off access from drive to facility.

5. Placement of pool directly behind house would encroach on privacy of backyard neighbors, as backyard neighbors have small rear yards.

6. Property to south side of house is deeper than property to rear of house. It is also clear of trees, shrubs and landscaping.

7. Placement of pool to side of house would not encroach on privacy of side neighbor as distance to neighbor's fence is well over 100 feet from our house. In addition neighbor has large adjacent side yard.

8. Proposed pool site would be directly to the side so that area in front of house would not be disturbed.

9. House is newly purchased and it was acquired in part because of elseable property for recreational use and visual appeal—in this instance, a pool with appropriate landscaping.

10. In addition to recreational use and for exercise, pool is used for therapy. Wife has spinal arthritis and swimming is recommended. This would be a convenience (can't get doctor to prescribe), but considerable use was made of pool installed at previous residence.

366

93-352-A

11. The pool area, as proposed and with landscaping, would not detract from existing structures and should increase property value for individual house. In addition, design is in keeping with existing structure and neighborhood. It is expected to be an enhancement to the neighborhood generally.

12. Proposed plans provide for limited visibility of the pool from Stevenson Lane and the neighboring property. Landscaping will be appealing and appropriate for setting.

13. The proposed side pool would sit back from Stevenson Lane further than the majority of the houses now facing the Lane.

14. The open property as it exists has limited use. The space between the existing house and the neighbor's property provides limited privacy, which appropriate landscaping will change.

15. The existing house has three entrances/exits--front door, side door (to open side yard), and limited and difficult basement access to drive. Placement of pool to rear of house would impede access and could readily create problems of safety with regard to immediate response to an emergency situation.

Sandra B. Minton

EXAMPLE 3 - Zoning Description - 3 copies

93-352-A

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 1104 Stevenson Lane

Election District 9 Councilmanic District 4

Beginning at a point on the East side of Stevenson Lane

(north, south, east or west)

which is 175.52' wide.

(number of feet of right-of-way width)

Block 366, Section 4 in the subdivision of

(name of subdivision) as recorded in Baltimore County Plat

Book 366, Folio 4, containing

(square feet and acres)

366

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber 366, Folio 4" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

Form ID No:

93-352-A

THIS DEED, MADE THIS day of November, in the year one thousand nine hundred and NINETY TWO, by and between Robert A. Frank and Lucille M. Frank, husband and wife, parties of the first part, GRANTOR; and G. Terry Minton and Sandra B. Minton, husband and wife, parties of the second part, GRANTEE.

WITNESSETH, That in consideration of the sum of THREE HUNDRED FIVE THOUSAND DOLLARS AND 00 CENTS, (\$305,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said GRANTOR does grant and convey to the said G. Terry Minton and Sandra B. Minton, husband and wife, as Tenants by the Entireties, their assigns and unto the survivor of them, and the survivor's personal representatives and assigns, in fee simple, all that lot of ground situate in Baltimore County, Maryland and described as follows, that is to say:

BEGINNING for the same at the beginning of the second or North 4 degrees 22 minutes 33 seconds East 351.01 foot line of that tract of land which by Deed dated August 31, 1955 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2769, folio 405, was conveyed by Carrie W. Ritterpusch, Trustee, to The Cranston Realty Company, said point being the southeasternmost corner of that tract of land known as Section "3" Knollwood, a Plat of which is recorded among the Plat Records of Baltimore County in Plat Book G.L.B. No. 22, folio 56, said point of beginning being in the northernmost outline of that tract of land known as Rodgers Forge Summit, a Plat of which is recorded among the Plat Records of Baltimore County in Plat Book No. 13, folio 111, and at the beginning of the fourth or South 85 degrees 37 minutes 27 seconds East 25.00 foot line of that tract of land which by deed dated November 30, 1956 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 3075, folio 429, was conveyed by Carrier W. Ritterpusch, Trustee to Carrie W. Ritterpusch, then on said point of Rodgers Forge Summit and on the said fourth line, as now surveyed, of the Ritterpusch to Ritterpusch conveyance and reversely with and binding on the first or North 79 degrees 04 minutes West 240.00 foot line to the beginning thereof, as now surveyed, of that tract of land which by Deed dated May 29, 1928 and recorded among the Land Records of Baltimore County in Liber W.R.M. No. 657, folio 247, was conveyed by William F. Rappe to Irving E. Ritterpusch and wife, South 85 degrees 37 minutes 27 seconds East 265.00 feet to a point in the bed of Stevenson Lane, thence in the bed of Stevenson Lane and reversely with and binding on the fourth or South 12 degrees 02 minutes East 150 foot line as now surveyed, of the said Rappe to Ritterpusch conveyance and running with and binding on the first or North 12 degrees 02 minutes East 25 foot line, to the end thereof as now surveyed of that tract of land which by deed dated July 27, 1954 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2526, folio 283, was conveyed by W. LeRoy Ortel and wife to Carrie W. Ritterpusch, North 5 degrees 08 minutes 51 seconds East 175.52 feet, thence running with and binding on second or

Page 1

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North 79 degrees 04 minutes West 242.18 foot line of the said Ortel to Ritterpusch conveyance and running with and binding on the second or North 85 degrees 37 minutes 27 seconds West 25.00 foot line of the said Ritterpusch to Ritterpusch conveyance North 85 degrees 37 minutes 27 seconds West 247.36 feet to intersect the aforesaid second line of the Ritterpusch to Cranston conveyance and the easternmost outline shown on the aforesaid plat of Section 3 "Knollwood", thence running reversely with and binding on part of said second line and on a part of said easternmost outline as shown on said plat and on the third or South 4 degrees 22 minutes 33 seconds West 175.00 foot line of the said Ritterpusch conveyance, South 4 degrees 22 minutes 33 seconds West 175.50 feet to the place of beginning. The improvements thereon are known as No. 1104 Stevenson Lane.

Being the same property which by deed dated August 12, 1984, and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. 7273, folio 791, was conveyed by Robert S. Maslin, III and Jan D. Maslin to the grantors herein named, in fee simple.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises to the said G. Terry Minton and Sandra B. Minton husband and wife, as Tenants by the Entireties, their assigns and unto the survivor of them, and the survivor's personal representatives and assigns, in fee simple.

AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hands and seals of said GRANTOR.

Test: GRANTOR:
As to all Robert A. Frank (Seal)
Lucille M. Frank (Seal)

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Page 2

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

93-352-A

District: 9th Date of Posting: 4/25/93
Posted for: Variance
Petitioner: G. Terry Minton & Sandra B. Minton
Location of property: (404) 86 Stevenson Lane, Towson, MD 21204
Location of Sign: 1104 Stevenson Lane, Towson, MD 21204
Remarks:
Posted by: [Signature] Date of return: 4/30/93
Number of Signs: 1

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

ITEM # 366 receipt

Date: Pet'r: G. TERRY MINTON
ADMIN U (DIO) 50.00
POSTING (ABD) 35.00
1104 STEVENSON LN.
BALTO, MD 21206
93-352-A
55.00

3603H011M1CHRC
88 C00330PM04-14-93 \$85.00
Please Make Checks Payable To: Baltimore County

Cashier Validation

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

4-22-93

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No: * 366 (JCH)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is

Teletypewriter for Impaired Hearing or Speech
363-7656 Baltimore Metro - 888-8481 D.C. Metro - 1-800-485-3662 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

93-352-A

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

For newspaper advertising:
Case No.: Item No.: 366
Petitioner: G. Terry Minton
LOCATION: 1104 STEVENSON LN. BALTO, MD 21206
PLEASE FORWARD ADVERTISING BILL TO:
NAME: SAME
ADDRESS:
PHONE NUMBER: 825-4912

AJ:ggg
(Revised 3/29/93)

366

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 10, 1993

Mr. and Mrs. G. Terry Minton
1104 Stevenson Lane
Baltimore, MD 21206

RE: Case No. 93-352-A, Item No. 366
Petitioner: G. Terry Minton, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Minton:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on April 14, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 7, 1993
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E., Senior Engineer
Development Plan Review

RE: Zoning Advisory Committee Meeting
for May 3, 1993
Item No. 366

The Development Plan Review Section has reviewed the subject zoning item and we recommend compliance with the Landscape Manual Class A screening requirement.

RWB:DAK:s

93-352-A

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee Date: April 29, 1993
FROM: Captain Jerry Pfeiffer
Fire Department
SUBJECT: Comments for 05/03/93 Meeting

Item 361	No Comments
Item 362	No Comments
Item 363	No Comments
Item 364	No Comments
Item 365	No Comments
Item 366	No Comments
Item 367	No Comments
Item 368	No Comments
Item 369	No Comments
Item 370	Fire Hydrants are required on site. State law requires townhouses, where permit is issued after 07/01/92, to be sprinklered.
Item 371	No Comments
Item 372	No Comments
Item 373	Existing exits shall be maintained to a public way.

RECEIVED
APR 30 1993

ZADM

February 1993
3/7/93

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: May 11, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 364, 366 and 365.
93-352-A
If there should be any further questions or if this office can provide additional
information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long
Division Chief: Pat Keller

PK/UL:lw



Chung 5/17

364.2AC/2AC1

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

MAIL 23, 1993

(410) 887-3353

COPY

G. Terry Mathen and Sandra B. Mathen
1104 Stevenson Lane
Baltimore, Maryland 21204

Re: CASE NUMBER 93-352-A (Item 366)
1104 Stevenson Lane
1/2 Stevenson Lane, 2nd & 3rd of Millers Road
9th Planning District - 4th Commission
Petitioner(s): G. Terry Mathen and Sandra B. Mathen

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before May 2, 1993. The closing date (May 17, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) deem that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

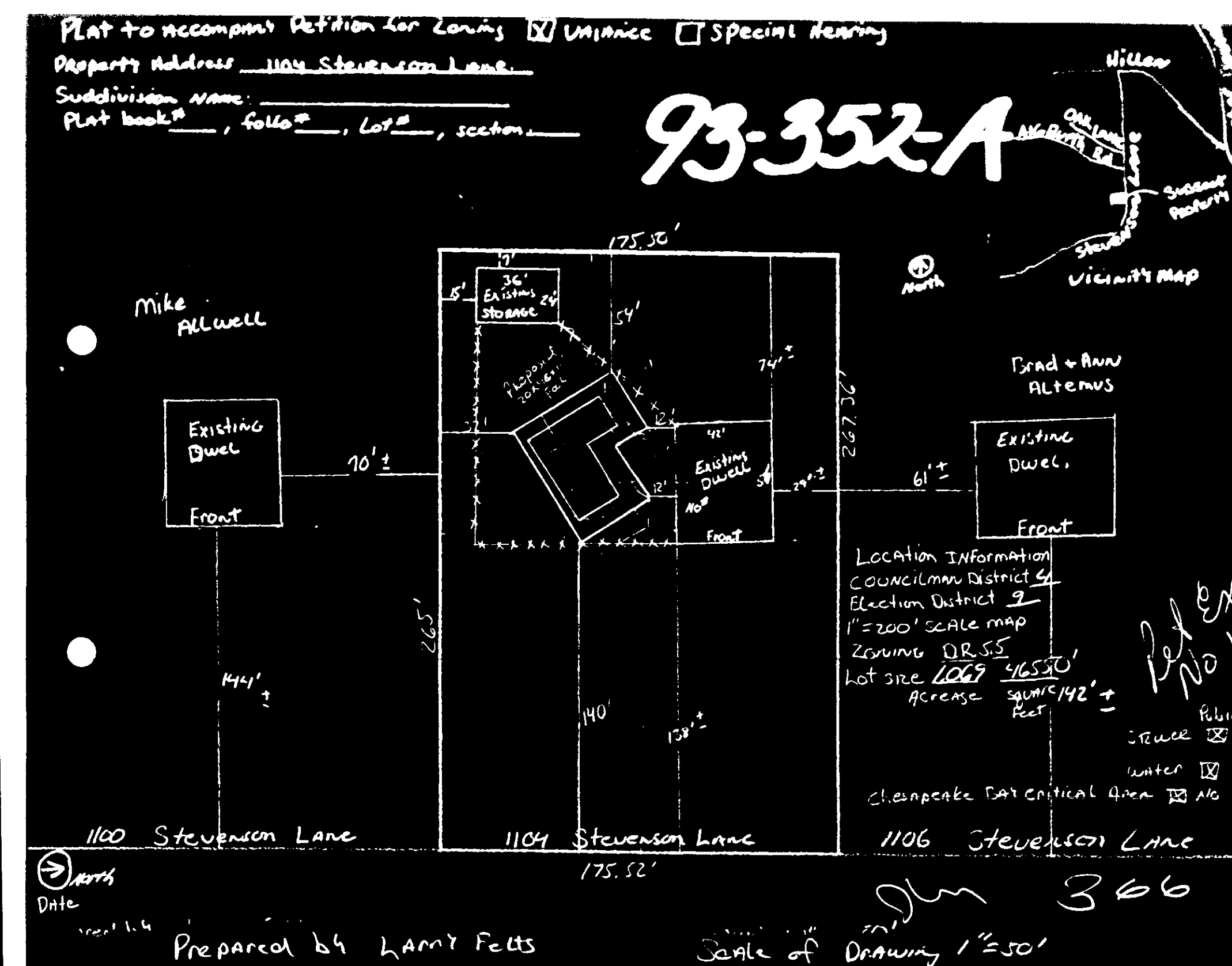
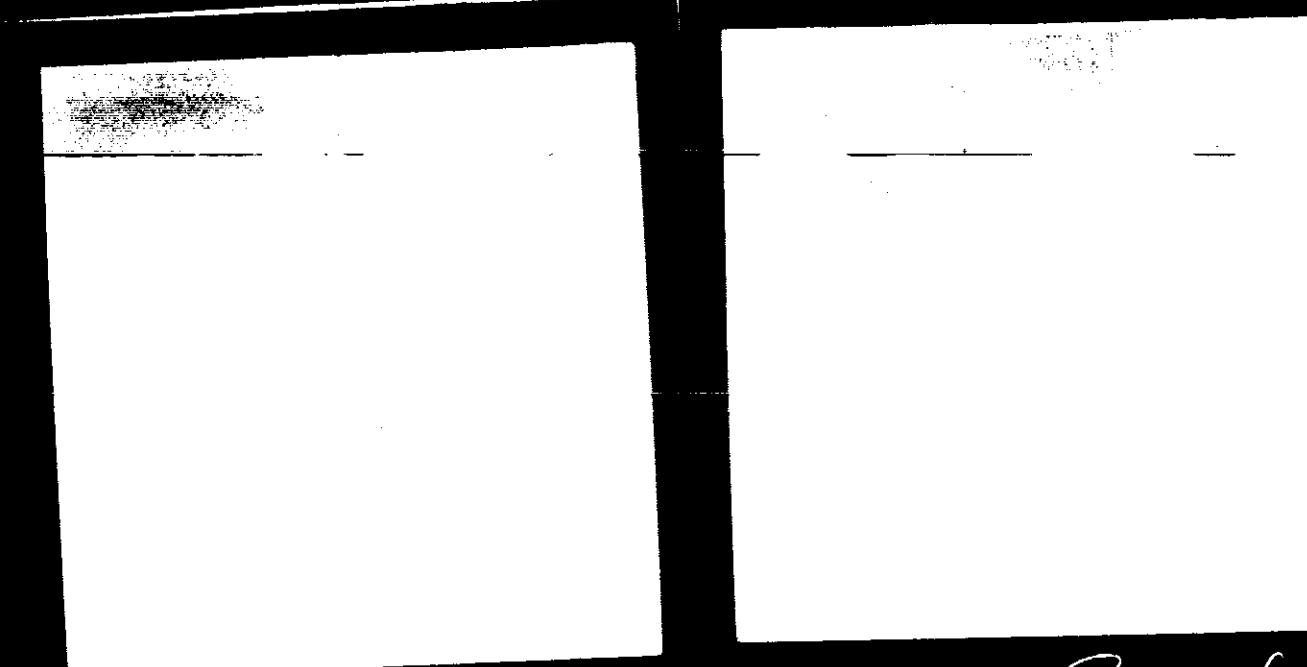
PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU BY FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

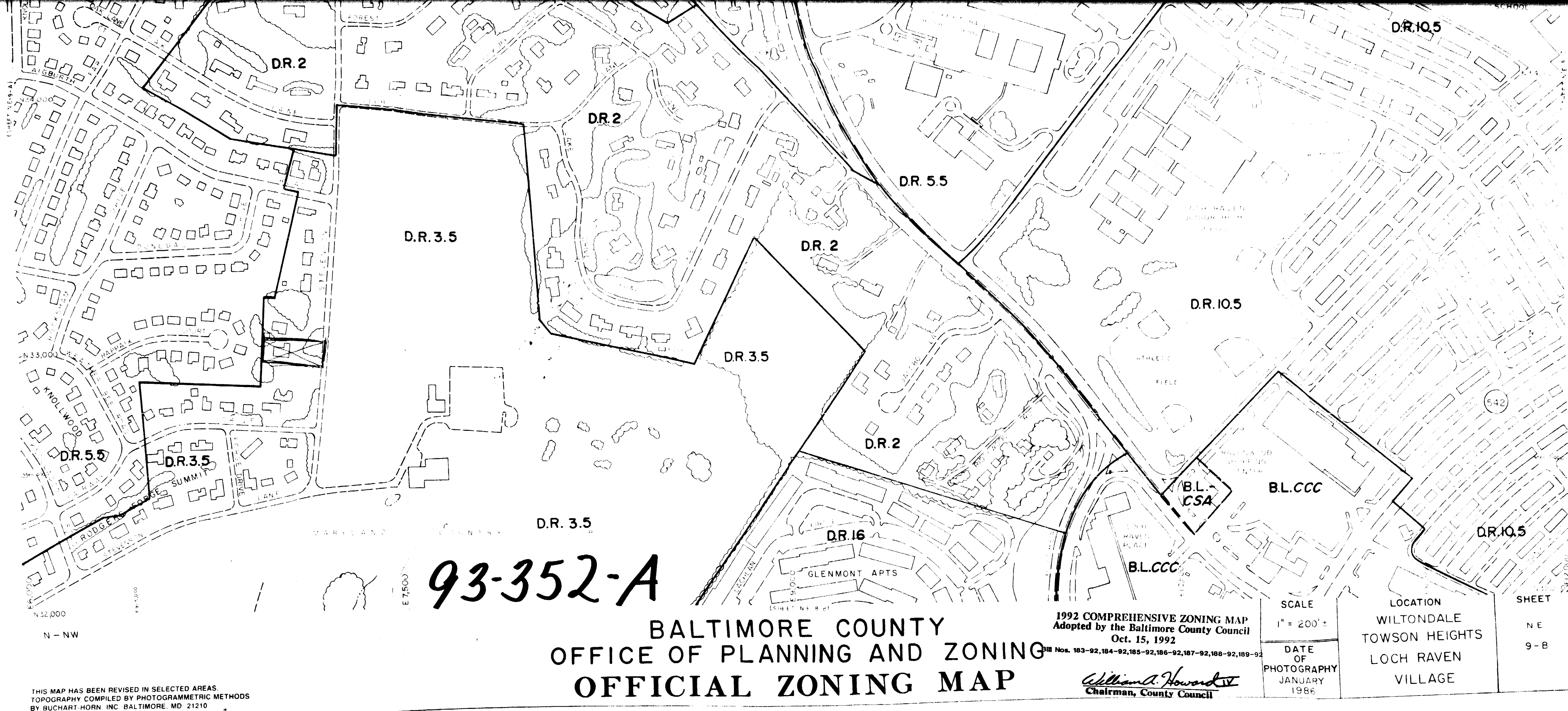
Pat Keller

Arnold Jablon
Director

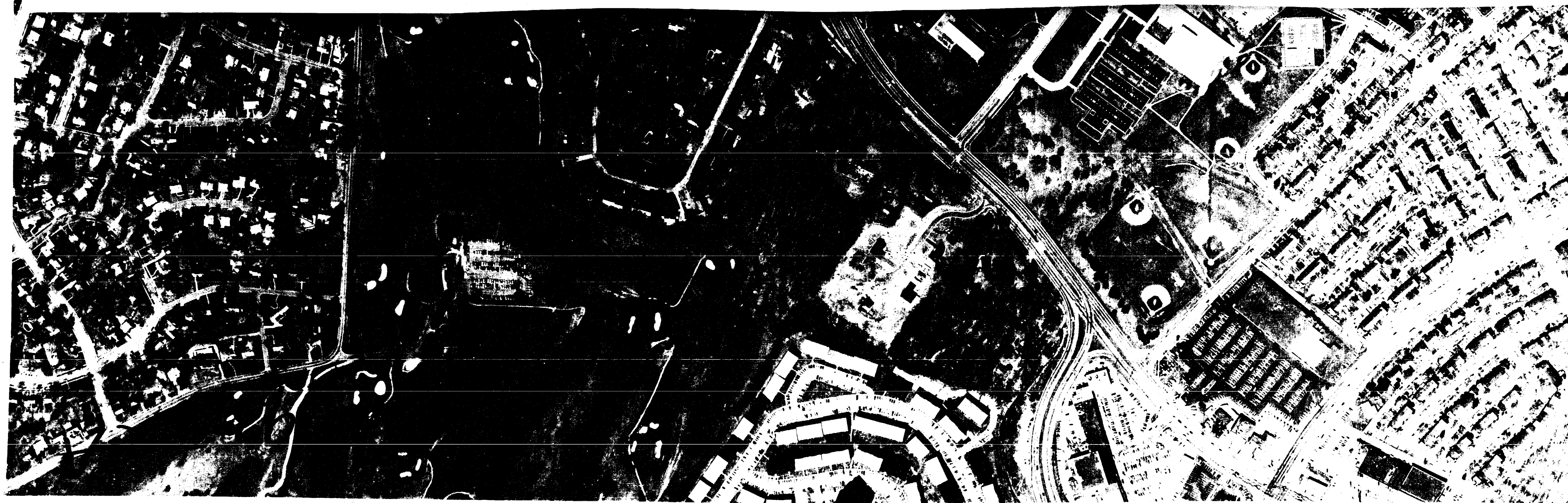
Printed on Recycled Paper

93-352-A





998



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
WILTONDALE
TOWSON HEIGHTS
LOCH RAVEN
VILLAGE

SHEET
NE
9-B